

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL MARINO,  
Plaintiff,

v.

USHER, et al.,  
Defendants.

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Civ. No. 11-6811

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**ORDER**

**AND NOW**, this 21st day of May, 2014, as set forth in the accompanying Memorandum, upon consideration of Defendants' Motion for the Imposition of Sanctions (Doc. No. 105), Attorney Francis Malofiy's Response (Doc. No. 117), and all related submissions, and after conducting an evidentiary hearing, it is hereby **ORDERED** that:

1. Defendants' request for increased attorneys' fees, costs, and expenses arising from the second day of William Guice's deposition is **GRANTED**. Defendants' reasonable attorneys' fees, costs and expenses are to be taxed to Mr. Malofiy.
2. Defendants shall submit a petition, setting forth an itemization of their claim for attorneys' fees, costs, and expenses, including the necessary factual support, on or before June 4, 2014. Plaintiff may file an opposition on or before June 18, 2014. Defendants may file a reply on or before June 25, 2014.
3. The default judgment entered against Defendant William Guice is hereby **OPENED**.
4. William Guice's affidavit dated February 28, 2012 is **STRICKEN**.
5. The May 2, 2013 deposition of William Guice from line 9:6 through line 150:4 is **STRICKEN**.

6. Pursuant to Rule V of Local Rule 83.6, this matter is referred to the Chief Judge of this Court for further proceedings if necessary. E.D. Pa. Rule 83.6 (Rule V(A)) (“When the misconduct or other basis for action against an attorney . . . [which] would warrant discipline or other action . . . shall come to the attention of a Judge of this court, . . . the judge shall refer the matter to the Chief Judge who shall issue an order to show cause.”).

**IT IS SO ORDERED**

*/s/ Paul S. Diamond*

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**Paul S. Diamond, J.**